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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2012-93**

13 **LOUISE MARY KALCHEK**  
14 **c/o Pine Ridge Care Center**  
15 **25 Professional Center Parkway**  
16 **San Rafael, CA 94903**  
17 **Registered Nurse License No. 457132**

**ACCUSATION**

Respondent.

18 Complainant alleges:

PARTIES

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
21 Consumer Affairs.

22 2. On or about August 31, 1990, the Board of Registered Nursing issued Registered  
23 Nurse License Number 457132 to Louise Mary Kalchek ("Respondent"). The Registered Nurse  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on March 31, 2012, unless renewed.

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1 8. California Code of Regulations, title 16, section 1443.5 states:

2 "A registered nurse shall be considered to be competent when he/she consistently  
3 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
4 sciences in applying the nursing process, as follows:

5 "(1) Formulates a nursing diagnosis through observation of the client's physical condition  
6 and behavior, and through interpretation of information obtained from the client and others,  
7 including the health team.

8 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and  
9 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and  
10 for disease prevention and restorative measures.

11 "(3) Performs skills essential to the kind of nursing action to be taken, explains the health  
12 treatment to the client and family and teaches the client and family how to care for the client's  
13 health needs.

14 "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
15 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
16 effectively supervises nursing care being given by subordinates.

17 "(5) Evaluates the effectiveness of the care plan through observation of the client's physical  
18 condition and behavior, signs and symptoms of illness, and reactions to treatment and through  
19 communication with the client and health team members, and modifies the plan as needed.

20 "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve  
21 health care or to change decisions or activities which are against the interests or wishes of the  
22 client, and by giving the client the opportunity to make informed decisions about health care  
23 before it is provided."

24 COST RECOVERY

25 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licensee found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

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10. Librium is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(5), and a dangerous drug under Business and Professions Code section 4022. It is used for the treatment of acute anxiety and/or for acute alcohol withdrawal. Librium should be used cautiously in the elderly, prescribed at the smallest effective dose to preclude the development of ataxia or untoward sedation.

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11. At all relevant times, Respondent was the Director of Nursing (“DON”) at Pine Ridge Care Center (“PRCC”), an assisted living facility located in San Rafael, California. As the DON, Respondent’s duties included responsibility for the overall direction, coordination and evaluation of the nursing care received by residents at PRCC.

12. On or about October 3, 2006, a 92 year-old male, Patient A was admitted to PRCC. Pursuant to an Advance Health Care Directive, Patient A had designated that his daughter P.B., was his health care agent.

13. PRCC failed to perform an initial evaluation to assess Patient A's risk for developing dehydration. PRCC thereafter failed to ensure that Patient A had a sufficient fluid intake to maintain proper hydration, failed to assess his daily intake and output, and failed to assess his risk for aspiration as a result of swallowing difficulties and due to the effects of prescribed medications.

14. Without P.B.'s consent, Patient A was started on 100 milligrams of Librium on October 5, 2006.

15. On the morning of October 15, 2006, Patient A was still being medicated with the Librium. Due to a high fever he was transferred on this date to Marin General Hospital where he was diagnosed with aspiration pneumonia. He subsequently passed away on November 8, 2006.

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(Gross Negligence/Incompetence – Failure to Obtain Family Consent For Medication)

15. Respondent is subject to discipline for gross negligence and/or incompetence under Code section 2761(a)(1), in that she failed to ensure that Patient A's designated health care agent

1 (P.B.) consented to his treatment with the medication Librium. The facts in support of this cause  
2 for discipline are set above in paragraphs 11 through 15.

3 SECOND CAUSE FOR DISCIPLINE

4 (Gross Negligence- Failure to Prevent Excessive Librium Dosage)

5 16. Respondent is subject to discipline for gross negligence under Code section  
6 2761(a)(1), in that she failed to ensure that PRCC staff properly evaluated Patient A for the  
7 effects of being overly sedated with the medication Librium. The facts in support of this  
8 allegation are set forth above in paragraphs 11 through 15.

9 THIRD CAUSE FOR DISCIPLINE

10 (Gross Negligence/Incompetence – Failure to Ensure Initial Evaluation for Dehydration)

11 17. Respondent is subject to discipline for gross negligence and/or incompetence under  
12 Code section 2761(a)(1), in that she failed to ensure that Patient A had received an initial  
13 evaluation for his hydration status and/or any problems in maintaining adequate hydration. The  
14 facts in support of this allegation are set forth above in paragraphs 11 through 15.

15 FOURTH CAUSE FOR DISCIPLINE

16 (Gross Negligence/Incompetence - Failure to Ensure Ongoing Monitoring of Hydration  
17 Status and Risk for Aspiration)

18 18. Respondent is subject to discipline for gross negligence and/or incompetence under  
19 Code section 2761(a)(1), in that she failed to ensure that Patient A had sufficient fluid intake to  
20 maintain proper hydration during the time that he resided at PRCC, failed to ensure that his  
21 hydration status was properly monitored and failure to ensure that PRCC staff were evaluating  
22 Patient A's risk for aspiration as a result of swallowing difficulties related to his physical  
23 condition and effects of prescribed medications. The facts in support of this allegation are  
24 set forth above in paragraphs 11 through 15.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Registered Nursing issue a decision:  
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1. Revoking or suspending Registered Nurse License Number 457132, issued to Louise Mary Kalchek.
2. Ordering Louise Kalchek to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3.
3. Taking such other and further action as deemed necessary and proper.

DATED: August 10, 2011

Louise R. Bailey  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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